

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 7, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 7, 2003

The House met pursuant to adjournment at 1:05 p.m., Jacobs of Polk in the chair.

Prayer was offered by the Honorable Linda Upmeyer, state representative from Hancock County.

The Journal of Friday, April 4, 2003 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Libby Jacobs of Polk County.

On motion by Klemme of Plymouth, the House was recessed at 1:09 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:00 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILL

[House File 668](#), by committee on ways and means, a bill for an act creating a university-based research utilization program, providing tax credits, and making appropriations.

Read first time and placed on the **ways and means calendar**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Quirk of Chickasaw on request of T. Taylor of Linn; S. Olson of Clinton on request of Jacobs of Polk.

CONSIDERATION OF BILLS
Regular Calendar

[House File 394](#), a bill for an act relating to the purposes of the community attraction and tourism program, was taken up for consideration.

Wilderdyke of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 394](#))

The ayes were, 93

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Paulsen	Petersen	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Chambers	Lukan	Olson, S.	Quirk
Sands	Tjepkes	Upmeyer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

[House File 553](#), a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities and providing an effective date, was taken up for consideration.

Maddox of Polk offered amendment [H-1089](#) filed by him as follows:

H-1089

- 1 Amend [House File 553](#) as follows:
- 2 1. Page 2, by striking lines 27 and 28 and
- 3 inserting the following: "meeting the same
- 4 requirements specified in section 362.4 for petitions
- 5 authorized by city code may be filed with the clerk
- 6 within thirty days following the effective date of
- 7 the".

Maddox of Polk offered the following amendment [H-1241](#), to amendment [H-1089](#), filed by him and moved its adoption:

H-1241

- 1 Amend the amendment, H-1089, to [House File 553](#) as
- 2 follows:
- 3 1. Page 1, by inserting after line 7 the
- 4 following:
- 5 "___ Page 3, by striking lines 10 and 11.
- 6 ___ Title page, line 3, by striking the words
- 7 "and providing an effective date"."

Amendment [H-1241](#) was adopted.

On motion by Maddox of Polk, amendment [H-1089](#), as amended, was adopted.

SENATE FILE 230 SUBSTITUTED FOR HOUSE FILE 553

Maddox of Polk asked and received unanimous consent to substitute Senate File 230 for House File 553.

Senate File 230, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities, was taken up for consideration.

Maddox of Polk offered the following amendment H-1091 filed by him and moved its adoption:

H-1091

- 1 Amend Senate File 230, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 10, the
- 4 following:
- 5 "Sec. __. EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 3, by inserting after the
- 8 word "cities" the following: "and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

Amendment H-1091 was adopted.

Maddox of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 230)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme

Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Paulsen	Petersen	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Chambers	Lukan	Olson, S.	Quirk
Sands	Tjepkes	Upmeyer	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

[House File 401](#), a bill for an act relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available, was taken up for consideration.

Dandekar of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 401](#))

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tymeson
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 9:

Chambers	Hanson	Heaton	Lukan
Olson, S.	Quirk	Sands	Tjepkes
Upmeyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 553](#) WITHDRAWN

Maddox of Polk asked and received unanimous consent to withdraw [House File 553](#) from further consideration by the House.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 394, 401** and [Senate File 230](#).

The House stood at ease at 3:32 p.m., until the fall of the gavel.

The House resumed session at 5:21 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 456](#), a bill for an act relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and related matters and providing an effective date.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 601](#), a bill for an act relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 237](#), a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 399](#), a bill for an act establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration [House File 636](#), a bill for an act relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1213](#):

H-1213

1 Amend [House File 636](#) as follows:

2 1. Page 7, by inserting after line 12 the
3 following:
4 "2A. The legislative services agency shall compile
5 for publication and distribute in odd-numbered years
6 the Iowa official register. The register shall
7 contain historical, political, and other information
8 and statistics of general value but shall not contain
9 information or statistics of a partisan character.
10 The print and electronic versions of the register need
11 not contain the same information and statistics but
12 shall be published to provide the greatest access to
13 such information and statistics at the most reasonable
14 cost as determined by the legislative services agency.
15 The different versions of the register may be
16 distributed free of charge, may be distributed free of
17 charge except for postage and handling charges, or may
18 be sold at a price to be established by the
19 legislative services agency."

20 2. Page 24, by inserting after line 11 the
21 following:

22 "Sec. ___. Section 7D.6, Code 2003, is amended to
23 read as follows:

24 7D.6 REPORT FOR _ OFFICIAL REGISTER.

25 The secretary shall, as soon as practicable after
26 January 1 of each odd-numbered year, prepare a report
27 of the proceedings of the executive council for the
28 two preceding calendar years. ~~Said The~~ report shall
29 include a statement of:

30 1. The official canvass of the votes cast at the
31 last general election.

32 2. Other acts of ~~said the~~ council that are of
33 general interest.

34 ~~Said The~~ report ~~shall~~ may be published in the Iowa
35 official register as provided in section 2E.5."

36 3. Page 24, by inserting after line 20 the
37 following:

38 "Sec. ___. Section 9F.4, Code 2003, is amended to
39 read as follows:

40 9F.4 PUBLICATION ~~IN~~ _ OFFICIAL REGISTER.

41 ~~The state printing administrator shall legislative~~
42 ~~services agency may publish said the~~ federal census
43 ~~report and certificate aforesaid in full~~ in each copy
44 of the Iowa official register as provided in section
45 2E.5.

46 Sec. ___. Section 9F.5, Code 2003, is amended to
47 read as follows:

48 9F.5 EVIDENCE.

49 ~~Said The~~ certified census records in the office of
50 the secretary of state, ~~and said authorized~~

Page 2

1 ~~publications, including the certificates attached~~
 2 ~~thereto,~~ shall be competent evidence of all matters
 3 therein contained."
 4 4. Page 32, line 10, by inserting after the
 5 figure "7A.19," the following: "7A.20,".
 6 5. Page 32, line 11, by inserting after the
 7 figure "7A.26," the following: "9.6,".
 8 6. Page 32, by inserting after line 13 the
 9 following:
 10 "Sec. __. PREVAILING PROVISIONS. The provisions
 11 of this Act regarding the publication and distribution
 12 of the Iowa official register shall prevail over any
 13 conflicting provisions of any other Act enacted by the
 14 Eightieth General Assembly, 2003 Regular Session."
 15 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1213](#).

Boal of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 636](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Connors	Olson, S.	Quirk
---------	-----------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

Senate File 425, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, with report of committee recommending passage, was taken up for consideration.

De Boef of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**S.F. 425**)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Osterhaus
Paulsen	Petersen	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands

Schickel	Shoultz	Smith	Stevens
Struyk	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 3:

Fallon	Huser	Swaim
--------	-------	-------

Absent or not voting, 3:

Connors	Olson, S.	Quirk
---------	-----------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2003, amended and passed the following bill in which the concurrence of the House is asked:

[House File 319](#), a bill for an act permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 438](#), a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 636](#) be immediately messaged to the Senate.

MOTION TO RECONSIDER
([Senate File 425](#))

I move to reconsider the vote by which [Senate File 425](#) passed the House on April 7, 2003.

GIPP of Winneshiek

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401 and [Senate File 230](#).

UPMEYER of Hancock

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of April, 2003: House Files 175, 216, 240, 249, 254, 289, 341, 342, 479, 503 and 615.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine first, second and third grade students from Compass Academy, West Des Moines, Iowa, accompanied by Mrs. Jodi Conrad and Mrs. Beth McCoy. By Representative Maddox of Polk.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 354](#)

Human Resources: Boddicker, Chair; Carroll and Foegen.

[Senate File 372](#)

Commerce, Regulation and Labor: Sands, Chair; Osterhaus and Raecker.

[Senate File 386](#)

Commerce, Regulation and Labor: Hoffman, Chair; Petersen and Wilderdyke.

[Senate File 392](#)

Agriculture: Manternach, Chair; Kuhn and Lalk.

[Senate File 412](#)

Human Resources: Smith, Chair; Boddicker and Upmeyer

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE, REGULATION AND LABOR

[Senate File 236](#), a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

[Senate File 344](#), a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health, financial services, environmental regulatory requirements, public project contractor requirements, and economic development.

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

COMMITTEE ON JUDICIARY

[Senate File 221](#), a bill for an act relating to the criminal offense of sexual exploitation of a minor

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

[Senate File 402](#), a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

RESOLUTION FILED

[HR 52](#), by Kuhn, Schickel, Quirk, Upmeyer, Mertz, Rayhons, Frevert and Stevens, a resolution honoring the Nora Springs-Rock Falls High School Peacemakers Program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1277	H.F. 665	Horbach of Tama
H-1278	H.F. 663	Wendt of Woodbury
H-1279	H.F. 666	Jochum of Dubuque
		Shoultz of Black Hawk
H-1280	H.F. 358	Kuhn of Floyd
		Swaim of Davis
		Stevens of Dickinson
		Quirk of Chickasaw
		Struyk of Pottawattamie
H-1281	H.F. 654	Wise of Lee
		Huser of Polk
		J.K. Van Fossen of Scott
		Van Engelenhoven of Marion
H-1282	S.F. 359	Paulsen of Linn
		Struyk of Pottawattamie

On motion by Jacobs of Polk the House adjourned at 5:40 p.m., until 8:45 a.m., Tuesday, April 8, 2003.